

**Notice of Allowability**

Application No.

09/787,651

Examiner

Theresa Trieu

Applicant(s)

OTTO, DIETER

Art Unit

3748

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed on November 12, 2004.
2.  The allowed claim(s) is/are 33-123.
3.  The drawings filed on 28 June 2001 and 12 August 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

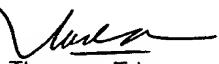
\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
Theresa Trieu  
Patent Examiner  
Art Unit: 3748

### **EXAMINER'S COMMENT**

This Office Action is responsive to the applicant's amendment filed on November 12, 2004. Claims 33 and 34 have been amended.

The election of the species of Figures 1-9 filed on February 05, 2002 is acknowledged; however, rendered moot in view of the allowance of a generic claim. Accordingly, the restriction requirement mailed on December 6, 2001 is hereby withdrawn. In view of the allowance of the generic claim 33, non-elected claims 43-61, 63-92, 102-118 and 121 have been rejoined with their base claim. Claims 3-123 are allowed.

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

As pointed out by applicant on page 7 in applicant's amendment, the cited references fail to disclose or render obvious the claimed combination including: a plastic rotor; a slot; a rotor blade; a first and second longitudinal section being formed one piece with the rotor wherein the rotor comprises at least one cavity disposed in the body of the rotor so as to be generally parallel to the axis of the rotor and separated from the slot of the rotor blade; at least one cavity extending inwardly from a surface of the rotor and partially into the rotor body wherein the surface being perpendicular to the axis of the rotor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Umeda (Patent Number U.S. 4,422,419) discloses a rotary internal combustion engine.

**Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT

  
Theresa Trieu  
Patent Examiner  
Art Unit 3748